

Minutes of the Planning Commission Regular Meeting of **Tuesday October 17, 2017** Council Chambers, One Twin Pines Lane, Belmont, CA

ROLL CALL 7:00 P.M.

Planning Commission members Present: Meola, Hendrix, McCune, Goldfarb, Simpson, Mates
Planning Commission members Absent: Majeski

Staff Present: Community Development Director deMelo, City Attorney Rennie, Principal Planner DiDonato, Assistant Planner Dietz, Temporary Administrative Assistant Hernandez

PLEDGE OF ALLEGIANCE

Led by Chair Mates

COMMUNITY FORUM ON ITEMS NOT ON THE AGENDA

No one came forward to speak.

COMMISSIONER ANNOUNCEMENTS / AGENDA AMENDMENTS

City Council Meeting of October 24, 2017 Commission Liaison Mates, Alternate McCune.

CONSENT CALENDAR

Draft Meeting Minutes September 5, 2017

ACTION:

On a Motion Made by Commissioner Meola, Seconded by Commissioner Simpson to approve the Consent Calendar.

PUBLIC HEARINGS

Belmont Village Specific Plan (BVSP) and Belmont Village Zoning (BVZ)

Sophie Martin from Dyett and Bhatia presented an overview of the Belmont Village Specific Plan (BVSP) and Belmont Village Zoning Plan (BVZP). She stated that the Belmont Village Specific Plan is a long-range vision for the Belmont Village, and an implementation program that will realize the vision of the plan proposals, including bulb outs, designated bike and pedestrian routes, an extension of Fifth Avenue to Ralston Avenue and a pedestrian and bike connection under the Caltrain tracks at O'Neil Avenue.

Mark Spencer, consultant with W-Trans, presented information on mobility, not just traffic in a sense of vehicle traffic but all modes of transportation for pedestrians, bicycles, transit, etc. The overview would be to provide a continuous, connective, and convenient network for people walking and biking through, to, and within the Belmont Village. The effects of development and street improvements would be monitored, as they are phased in so that corrective measures and/or adjustments can be made as elements of the plan are built.

The purpose of the Village Zoning Districts is to create an attractive, vibrant, mixed use town center in a compact, pedestrian-oriented setting, to enhance pedestrian and bicycle connections and to support design of building frontages, streetscapes, and public spaces that will create a lively and attractive public realm.

After previous Commission review (December 2016, March 2017), the following changes were made to the document:

- Detail and clarity were added to numerous use definitions
- Clarification of authority – makes it clearer of “who decides” in various instances.
- Changes to development standards, which eliminates residential density standard for all mixed-use districts.
- Building heights and ground floor heights slightly modified.
- Simplified requirements for outdoor living space, and flexibility added in several other standards.
- Changes to the Community Benefits make it clear that these are discretionary decisions by the City Council, and that the city is not obligated to grant bonuses or accept benefits. Some benefits were clarified, several new benefits were added including provisions of community recreational facilities such as an ice rink; also added was a requirement for monitoring.

Chair Mates opened the Public Hearing.

Sarah Feldman, Belmont resident, indicated opposition to the project. She stated that she represents thousands of displaced ice skating parents, hockey parents, etc. after the closure of Belmont Ice Land. The zoning does not require or include an ice rink. She doesn’t encourage the Planning Commission to recommend the Belmont Village Zoning with this missing piece. If the Commission does choose to recommend it, she encourages the Commission to recommend that the City Council require a specific ice rink zone in the Belmont Village Zoning, because if we don’t zone for it or add it to a priority list, there is no way it will happen down the line.

Alice Mansell, not a Belmont resident, but wanted to know where is the vibrant downtown and what’s going to bring someone like her to patronize Belmont’s businesses and come here. She emphasizes the importance of making spots where open spaces or public recreational facilities could be built to preserve space, instead of including them among the community benefits. She would like to see space set aside now and not left up to the discretion of the City Council.

Sam Laney, indicated he would like to see an increase in recreational zones and areas for indoor recreation, such as the ice rink and open fields. Indoor recreation brings in people from outside the city.

Deon Teeple, Belmont resident, asked the Commission to consider traffic calming measures such as roundabouts on Sixth Avenue. She is concerned with the increased car volume and the speed of the cars; she would like to see Sixth Avenue added to the plan. We need streetlights because the

area is dark; if this can be added before the development or even during the developments. When construction starts it would be great to implement the crosswalks, so people can park at the train station since there is no parking due to a restaurant opening on the street.

Mike Chuang, represents Belmont Village Center. He has been working with the city for many years. He is happy to see that the plan is working, and he only has one plea for the city. There is one lot, the Emmett lot adjacent to his property, which right now is a problem because people are dropping bird seed on the property and the pigeons come. They have spent approximately \$60,000 to bird proof their building but nothing has worked. One solution would be to do something to the lot which will also improve the traffic coming in and out of the property from Ralston Avenue.

Christina Mantel, Belmont resident, expressed concerns about how new developments would affect Hiller Street. Nothing is an isolation and Nesbit Elementary school is on the other side and traffic is outrageous on Hiller Street; people don't want to go up to Hillsdale anymore, we need to think of our children and provide a safe place for them.

Sergey Sergeev, supporter of urban concept. Would like to see improvement at El Camino and Ralston because it's extremely dangerous. He doesn't see any solutions to existing problems. He believes the City is short on recreational facilities, and would like the ice rink to come back, because if it's not put in the plan, it will never happen because it would be hard to convince any developer to make such a big community benefit. Once the village is built, there are no guarantees that the community would get anything back.

Aniko Smith, Belmont resident, said the plan is a great improvement for our city. She believed it is a very positive thing. She had some concerns about parking, and indicated that we already have a considerable parking problem in Belmont and just wants to make sure the plan has sufficient parking so surrounding communities and surrounding streets are not going to be further impacted, and that this should be addressed in the plan. Public land use is a nice idea to give some options to the City Council, but there should be specific land set aside for it. There should be some provisions for schools, so kids and people are protected when they are walking. She likes 5th and 6th Avenue and sees those changes as a positive.

Ben Lam, represents the property owners at 954 and 956 El Camino Real, which is adjacent to Flashner Lane. He opposes the widening of Flashner Lane because it would negatively affect his property and they have intentions to develop the building and the parcel.

Chair Mates closed the Public Hearing.

City Attorney Rennie said that a park impact fee would capture the type of contribution a developer could make towards creating public open space downtown, as it would create a fund the city could use toward improving existing parks or identifying space where a new park could go.

Mark Spencer from W-Trans stated that monitoring is an important component.

RECESS: 9:00 P.M.
RECONVENE: 9:15 P.M.

Commission deliberation on the item yielded support. However, there was some discussion about the new vision for Belmont, such as the 5th Avenue extension and building taller buildings on Masonic; there is a good mix of things that could be done soon, and things that need to be looked at over time, which is exactly what we wanted. There was additional discussion regarding language and minor ‘clean up’ of the document. Commissioners liked the parking changes, and the new vision for Belmont, one that the community has chosen; it is a wonderful vision for the future. Section 7 is great and will be helpful to planners. Commissioners were able to make all the findings and recommended adoption to the City Council.

Community Development Director deMelo stated that this plan is the community’s plan. Staff will revisit the documents to see if they are doing what we want them to do. The plan doesn’t build the Village downtown, the plan sets it up, and over time the plan may come to fruition exactly as we talked about or it may not. Implementation will be as important as creating the plan; how do we then implement goals, policies and objectives, how does the city put together its Capital Improvement Programs; lots of key decisions are going to be made post adoption. Staff wants to ensure we catch everyone’s feedback.

Commissioner discussion ensued regarding density vs. intensity on city owned parcels as discussed in the Belmont Village Specific Plan.

ACTION: On a Motion Made by Commissioner McCune, Seconded by Commissioner Meola Recommending that the City Council adopt the Belmont Village Specific Plan and the Belmont Village Zoning.

Passed 6/1 (Majeski, absent) Resolution 2017-41

Commercial and Personal Cannabis Regulations

City Attorney Rennie stated that this item is in response to Proposition 64, which legalized recreational marijuana use for adults 21 and older and set out a commercial licensing and regulatory structure for recreational marijuana businesses. Federal law has marijuana as a Schedule 1 drug under the Federal Control Substances Act, and it is still illegal, and all activities associated with it are illegal, including medical marijuana.

City Attorney Rennie stated that the City Council, for the time being, isn’t interested in having commercial marijuana establishments in the city, or to allow any forms of commercial marijuana activity in the city; no outlets, no commercial cultivation, no manufacturing, and no processing for commercial gain in the city.

The Commission's task was to review the zone text provision and if the Commission has any recommendations about the language or any changes they would like to see, they can comment on the broader policy, however, at this point the Commission is operating from the direction the City Council has given the Commission, and if the Commission has any further comments on the direction the council is going, the Commission is welcomed to make them as well.

Commissioner Mates opened the Public Hearing.

Sam Laney, asked what would the provision and code do about marijuana's far more useful and less dangerous substance HEMP, which has also been wrongly federally regulated, but is useful for clothing and other uses; he asked would this be growable or allowed to be commercially sold. City Attorney Rennie stated that if it is prohibited by the Federal Control Substances Act, this action does not purport to allow it.

Commissioner Mates closed the Public Hearing.

City Attorney Rennie stated that when there is a change in the zoning text, before it can be adopted, the Planning Commission has to review it, and make the recommendation in whatever direction it wants to go. Before the City Council adopts the text, it needs to consider the Commission's recommendation. If the Commission is ok with the language or if the majority of the consensus of the Commission is ok with the language, then this is what we would convey to the City Council. If the Commission has other ideas of how it should be written to accomplish the prohibition or if the Commission doesn't agree with the prohibition, that is another way of approaching the issue.

Commission discussion ensued regarding the issue between the federal government and the state government. Should the rules apply to alcohol and cigarettes and not just cannabis. Prohibiting it is the old way rather than the new way. The Ordinance was looked at as commercial land use and not as supporting cannabis; other jurisdictions have similar language in their Ordinances, so findings can be made for the affirmative.

City Attorney Rennie stated the discrepancy between the state and federal marijuana laws could bring clarity on the best way to regulate it at the local level, but he hasn't seen any indication that Congress will move marijuana off the list of Schedule 1 drugs, which are not allowed in any circumstances.

ACTION: On a Motion by Commissioner Goldfarb and Seconded by Commissioner McCune Recommending an Ordinance Establishing Regulations Governing Cannabis in the Belmont City Code and Amending the Belmont Zoning Ordinance (Ordinance 360) to Prohibit Commercial Cannabis Uses with the correction to Section 7 under CEQA to replace the word Alameda with San Mateo.

Passed 4/2/1 (Simpson, No, Meola, No, Majeski, absent)

OTHER BUSINESS / UPDATES

None

ADJOURNMENT: at this time being 10:05 P.M. to a regular meeting of the Planning Commission to be held on November 7, 2017.

Irma Hernandez
Temporary Administrative Assistant

Meeting televised and web streamed.